

ENVIRONMENTAL STANDARDS ORDINANCE FOR HENRY COUNTY, INDIANA.

It is hereby declared that the purpose of this Ordinance is to protect, preserve, and promote the physical and social well-being of the people, to prevent and control the incidence of communicable diseases and to reduce environmental hazards to health and provision for the administration and enforcement thereof.

Definitions. The following definitions shall apply in the interpretation and enforcement of this Ordinance.

“Approved” shall mean approved by the local or state authority having such administrative authority.

“Buildings” shall mean a fixed construction with walls, foundation and roof, such as a house, factory, garage, etc.

“Dilapidated” shall mean a decayed or deteriorated state which shall render the structure inadequate for the purpose or use for the purpose or use for which it was originally intended.

“Extermination” shall mean the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the Health Officer.

“Garbage” shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, serving and nonconsumption of food.

“Health Officer” shall mean the Health Officer of Henry County, Indiana or his or her duly appointed representative.

“Infestation” shall mean the presence within or around a dwelling of any insects, rodents, or other pests.

“Owner” shall mean any one or more of the following:

1. the owner or owners in fee simple of a parcel of real estate including the life tenant or tenants if any; or
2. the record owner or owners as reflected by the Henry County Recorder’s office; or
3. the purchaser or purchasers of such real estate under any contract for the conditional sale thereof; or
4. the person or persons in control of the property as executor, executrix, trustee, receiver, or guardian of the owner; or
5. any person acting as agent, or property manager, for the owner shall not be construed to be an owner within the terms of this Ordinance, but shall be bound to

notify the owner, by means of a registered letter addressed to the owner at his last known address, of any order or notice issued by the Health Officer relating to the property of the owner.

“Person” shall mean and include any individual, for, corporation, association, partnership, cooperative or governmental agency.

“Premises” shall mean a platted lot or part thereof or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by any dwelling or non-dwelling structure, and includes any such buildings, accessory structure, adjoining alley, easement, or drainage way.

“Rat Harborage” shall mean any conditions or place where rats can live, nest, or seek shelter.

“Rat-Proofing” shall mean a form of construction which will prevent the ingress or egress of rats to or from a given space or building, or from gaining access to food, water, or harborage. It consists of the closing and keeping closed of every opening in foundations, basements, cellars, exterior and interior walls, ground or first floors, roofs, sidewalk grating, sidewalk openings, and other places that may be reached and entered by rats by climbing, burrowing or other methods and by the use of materials impervious to rat gnawing and other methods approved by the Health Officer.

“Refuse” shall mean all petrescible and non-petrescible solids including garbage, rubbish, ashes, and dead animals.

“Rubbish” shall mean non-petrescible solid wastes consisting of either: combustible wastes such as paper, cardboard, plastic containers, yard clippings, and wood; or non-combustible wastes such as tin cans, glass and crockery.

“Solid waste” shall have the meaning contained in Indiana code 13-11-2-205 (c).

Every occupant of a dwelling or dwelling unit shall maintain in a clean and sanitary condition that part of those parts of the dwelling, dwelling unit and premises thereof that he occupies and controls.

Every occupant of a dwelling or dwelling unit shall store and dispose of all his rubbish in a clean, sanitary and safe manner.

Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of insects, and/or rats, on the premises, and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination wherever his dwelling unit is the only one infested. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

No building structure, receptacle, yard, lot, premises, or part thereof, shall be construed, made, used, maintained, or operated in any manner causing or producing any health or safety hazard. Or permitted to become a rat harborage or to become conducive to rat harborage, or permitted to become a mosquito harborage or to become conducive to mosquito harborage.

No occupant of a dwelling or dwelling unit shall accumulate rubbish, boxes, lumber, scrap metal, or any other materials in such a manner that may provide a rat harborage in or about any dwelling, dwelling unit, or its premises. Usable stored materials shall be stacked neatly and elevated at least eighteen inches above the ground or floor.

Every owner of a premise which includes a vacant structure shall maintain the premises in a safe and sanitary condition and shall remove therefrom, and properly dispose of, all garbage and rubbish.

Every owner of a premise which does not include a structure shall maintain the premises in a sage and sanitary condition and shall remove therefrom, and properly dispose of, all garbage and rubbish.

No person shall deposit or place any refuse, or other hazardous materials upon property owned by another without the approval of the owner of such property.

No person shall deposit or place any refuse or other hazardous materials in or adjacent to any road, street, alley, or other public place unless it I is in proper containers for collections.

Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated by the Health Officer:

1. one which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin-infested that is creates a serious hazard to the health of the occupants or of the public;
2. one which lacks sanitary facilities adequate to protect the health of the occupants or of the public.

Any dwelling or dwelling unit condemned as unfit for human habitation, and so designated by the Health Officer shall be vacated within a reasonable time, such time to be not less than twenty-four hours or more than fifteen days as ordered by the Health Officer.

No dwelling or dwelling unit which has been condemned as unfit for human habitation shall again be used for human habitation until written approval is secured from the Health Officer. This shall be possible when the defect or defects upon which the condemnation were based have been eliminated.

Any person affected by any notice or order relating to the condemning of a dwelling or dwelling unit as unfit for human habitation may request and shall be granted a hearing on the matter.

The Health Officer is hereby authorized and directed to make inspections to determine the condition of dwellings, dwelling units, and premises located within Henry County, in order that they may perform their duty of safe-guarding the health and safety of the occupants of dwelling and of the general public. For the purposes of making such inspections the Health Officer is hereby authorized to enter, examine, and survey, at proper times upon presenting proper credentials of identification, all dwellings, dwelling units and premises. The owner or occupant of every dwelling or dwelling unit, or the person in charge thereof, shall give the Health Officer access to such dwelling, or dwelling unit and its premises, at proper times for the purpose of such inspection, examination and survey.

Whenever the Health Officer determines that there are reasonable grounds to believe that there has been a violation of any provision of this Ordinance which affects the health of the occupants of any dwelling, or dwelling unit or health of the general public, the Health Officer shall give notice of such alleged violation to the person or persons responsible therefore, or to any known agent of such person, an hereinafter provided. Such notice shall:

1. be put in writing;
2. include a statement of the reason why it is being issued;
3. allow a reasonable time for the performance of any act it required;
4. be served upon the owner or his agent, or the occupant, as the case may require; provided that such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, if a copy thereof is served upon him personally, or if a agent, or upon such occupant, if a copy thereof is served upon him personally, or if a copy is sent by certified mail to his last known address, or if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice, or if he is served with such notice by any other method authorized or required under the laws of this state.

Such notice must contain an outline of remedial action, which if taken, will effect compliance with the provisions of this Ordinance.

Any person affected by any such notice issued by the Health Officer may request and shall be granted a hearing on the matter before the Health Officer or his duly appointed designee, if such person affected files in the office of the Health Officer, within ten days after the service of the notice, a written petition requesting said hearing and setting forth a brief statement of the grounds therefore. Upon receipt of such petition, the Health Officer shall arrange a time and place for such hearing and it shall be held as soon as practicable after the receipt of the request. At such hearing the petitioner shall be given the opportunity to be heard and to show cause why such notice should not be complied with.

After such hearing the Health Officer, or his designee, shall sustain, modify, or withdraw the notice, based upon his findings, on the relevant facts and the applicable Ordinance

provisions. If the Health Officer, or his designee, shall sustain or modify such notice, it shall be deemed to be an order as confirmed or amended. Any Notice served pursuant to Article V of this Ordinance shall automatically become an order unless a written petition for a hearing is filed in the office of the Health Officer within ten days after such notice is served.

Whenever the Health Officer finds that an emergency exists which requires immediate action to protect the public health he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this Ordinance, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Health Officer shall be afforded a hearing as soon as possible. After have been complied with, the Health Officer shall continue such order in effect, or modify it, or revoke it.

The doing of any prohibited act, or the omission of any required act, governed by this Ordinance is declared to be a violation of this Ordinance. Any person declared to have committed a violation hereof shall, upon such finding, be fined in an amount not to exceed \$1,000.00. In addition to any fine levied under this Ordinance, the Henry County Health Department may enjoin any violation of this Ordinance by proceeding in any court of competent jurisdiction seeking to abate the public health hazard, nuisance or violation of this Ordinance.

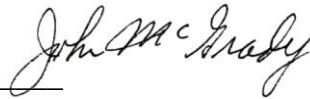
In any case where a provision of this Ordinance is found to be in conflict with a provision of any zoning, building, fire, safety or health Ordinance or Code of Henry County, Indiana existing on the effective date of this Ordinance, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this Ordinance if found to be in conflict with a provision of any other Ordinance or Code of Henry County, Indiana existing on the effective date of this ordinance which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions are hereby declared to be repealed to the extent that they may be found in conflict with this Ordinance.

If any section, subsection, paragraph, sentence, clause, phrase, or word of this Ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect; and to this end the provisions of this Ordinance are hereby declared to be severable.

This Ordinance shall become effective as of the 2nd day of October, 1990.

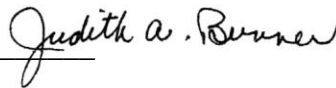
ADOPTED by the Board of Commissioners of Henry County on this 27th day of August, 1990.

BOARD OF COMMISSIONERS OF HENRY COUNTY





Attest:



Auditor